#### The Evening Star Newspaper Company. B. H. KAUFFMANN, President.

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AND TOKYO TODAY.

Russian Opinion Battle Will Be Fought

Off Pescadores Islands-Japanese

Question Contest.

established a naval base.

the government at home.

on land."

before accepting battle.

passed Singapore

of the vessels than we are."

ron has reached the China sea.

FEELING AT ST. PETERSBURG.

Naval Fight.

ST. PETERSBURG, April 10.-The out-

burst of enthusiasm aroused in military

and naval circles at the prospect of a sea

fight which may change the whole complex-

turn of fortune which would strengthen

admiral for having safely accomplished the

difficult feat of bringing the squadron

The Bourse Gazette manifests undisguis-

ed pleasure at the scare in British shipping

circles and the flurry in insurance rates

squadron would never go to the far east.

stands to lose the mastery of the sea, to-

Other papers express doubt as to

await Rear Admiral Nebogatoff and that

Admiral Togo will retire closer to his base

Strict orders have been issued to the of-

Nothing is procurable in regard to the

whereabouts of the battleship Kniaz Sou-

to be missing from the squadron which

It is said they may be following as a sec-

ond division. No anxiety is manifested at

the admiralty, where the Associated Press was informed in reply to a question that

SAW SHIPS AT ANCHOR.

Northeast of Singapore.

the yesterday signed the Rossali shows twenty miles northeast of Manki, one of the islands of the Anambas group, about 150 miles north-northeast of Singapore.

The Russians were at anchor when the

Gregory Apear passed them. Information has also been received here

to the effect that four warships, apparently

Japanese, were off Cape St. James, near Salgon, April 7.

Speculation at Tokyo.

TOKYO, April 10 .- Vice-Admiral Rojest-

vensky's second Pacific squadron has not

been reported here since it passed Singa-

pore. Its whereabouts and the plans of

Vice-Admiral Rojestvensky are subjects of

It is quite generally assumed that Vice-

Admiral Rojestvensky does not desire an

immediate battle, and that he will at-

tempt to reach Vladivostok, where there

are docks and shops, or seize a base. The

latter course is deemed unsatisfactory on

account of poor facilities and the danger

of political complications. Many believe

second rendezvous in the Pacific ocean, and

that he will speedily quit the China sea and go eastward of the Philippines. If Vladi-

vostok is his objective, the Pacific is con-sidered to be more favorable for the ac-

complishment of his purpose, although the largely depends on Vice-Admiral Rojest-

The Japanese newspapers and public ex-

press relief and pleasure over the approach of the Russian second Pacific squadron, as

well as confidence in the ability of Ad-

American Ships Patrol Coast.

MANILA, April 10.-The American vice-

consul at Singapore reports that a Russian

fleet consisting of six battleships, six

cruisers, six converted cruisers, eight tor-

pedo boat destroyers, one hospital ship, one

Singapore, headed this way.

The American cruiser Raleigh, the tor-

pedo boat destroyers Barry and Chauncey and the supply ship General Alvado have

the ships of the Dutch squadron, which has

left its former anchorage under secret or-

ders and is now steaming north.

AMSTERDAM, April 10.—A telegram from

repair ship and sixteen colliers has passed

miral Togo's fleet to vanquish it.

vensky himself.

the Russian naval commander has a

the keenest general speculation

ficers on duty at the admiralty not to make

arrived here yesterday, from Singapore.

through, declaring the die is now cast.

e Kvening Sta WASHINGTON, D. C., MONDAY, APRIL 10, 1905-TWENTY PAGES.

No. 16,268.

# ALL EYES ON THE SEA TRIAL IS POSTPONED

Intense Interest Over Forth- Prosecution Scored in Nan coming Naval Fight. Patterson Case Today.

THE SCENE OF ACTION IS DEFERRED ONE WEEK

SPECULATION AT ST. PETERSBURG ON ACCOUNT OF SMITH FIGHT AGAINST EXTRADITION.

> Prisoner Not Taken Into Court-Special Panel of 200 Jurors-Absentees Fined.

The trial of Nan Patterson, on the A cablegram from Paris says: charge of killing Caesar Young, The St. Petersburg correspondent of which was to have been begun bethe Petit Parisen declares that the fore Recorder Goff in the court of Russian admiralty has received two general sessions at New York tolong dispatches from Admiral Roday, was postponed for one week jestvensky. The opinion prevails upon request of the prosecution.

strongly with the admiralty that the NEW YORK, April 10.-The postponement of the trial of Nan Patterson was granted forthcoming naval action will be in New York this morning on account of fought off the Pescadores Islands, the fight against extradition being made by J. Morgan Smith and his wife, who are now under arrest in Cincinnati, charged where, it is stated, the Japanese have with conspiracy with Nan Patterson in connection with the Young case. The Smiths are wanted here particularly to be witnesses at the murder trial. Diversity of Opinion as to Outcome of

The motion for a delay was strongly opposed by Abraham Levy, chief counsel for the defendant. In granting the postponement Recorder Goff said he did not think that the interests of the defendant or of public justice would be interfered with because of a week's delay.

ion of the war finds no echo in the liberal press, which clews with something akin Miss Patterson was not taken to court to alarm even the remote possibility of a today. Her father was present during the arguments, however, as also was John D. Mellin, Caesar Young's racing partner, one of the principal witnesses for the prosecu-

The Chauvinistic organs, however, are filled with long articles discussing Admiral A special panel of two hundred jurors had Rojestvensky's chances, but they are all been summoned in the case, but only 143 of the talesmen answered the roll call tobased on the theory that the whole squadday. By direction of the recorder each of the fifty-seven absentees was fined \$100. The Novoe Vremya highly commends the

#### FIGHTING EXTRADITION. Hearing in the Smiths Case at Cincinnati Today.

CINCINNATI, Ohio, April 10.-The adproduced by the sudden appearance of the journed hearing on the writs of habeas Russian squadron off Singapore after the corpus for J. Morgan Smith and his wife, British had convinced themselves that the wanted in New York under an indictment charging conspiracy with Nan Patterson to "Japan," says the Bourse Gazette, "now extort money from Caesar Young, was set tary Shaw cuts loose next February with for today in the common pleas court before his presidential boom. The presence of Mr. gether with the fruits of all her successes | Judge Spiegel. One of the points made last | Frick at the head of the Treasury Departwhether a sea fight is imminent, expressing the opinion that Rojestvensky is likely to filled in by a clerk in the governor's absence from the state was not valid.

On Saturday the governor returned to Columbus and new papers were secured in order to obviate this objection. A complication that developed since the case was last before the court was the motion charging contempt of court which was presented public any portion of the long report which by the United States grand jury on Saturday against Thomas F. Shay, who is the attorney for the Smiths in the fight against extradition. The charge against the attorney grew out of an investigation into varoff and other Russian warships reported bank shortage. This inquiry developed a charge of speculation through the office of John Balman, a broker, who, under the advise of Shay, refused to disclose certain information demanded by the grand jury. Because of this refusal Balman was held in contempt and ordered to appear before the grand jury again today with the re-

The foreign press and the Japanese were quired information. Attorney Shay was held to appear before United States Judge bably more worried about the location Thompson this afternoon and show cause why the charge of contempt should not be There is reason to believe that Rojest-vensky is on board the Kniaz Souvaroff and that the division which passed Singapore Saturday is in command of a rear admiral. entered against him. Shay's attorney in this matter is Lawrence Maxwell, jr., former United States solicitor general. Attorney Shay had been informed that the governor would hold the extradition matter open until today in case the attorney wished

appear and argue against the issuance Russian Squadron Reported 150 Miles of the papers. However, Shay today notified the governor that owing to the neces-sity of Shay being in the United States SINGAPORE, Straits Settlements, April court in this city in the contempt case, is-10.-The latest information in regard to the suance of the extradition papers would not Russian squadron commanded by Rear Adbe opposed and that the contest in the miral Enguist, which passed here Saturday matter would be made in the courts in this afternoon, was brought here today by the British steamer Gregory Apcar. The latter yesterday sighted the Russian ships

The contempt case was set for hearing before Judge Thompson this afternoon, at the same hour to which the Morgan Smith habeas corpus hearing had been adjourned. Smith and wife today expressed their willingness to return to New York without extradition proceedings and declared that it must be of their own volition and not as prisoners.

## TO DETERMINE HIS SANITY.

Sailor Held for Attempted Assault Upon Admiral Goodrich.

LOS ANGELES, April 10.-Richard Starr, a sailor, a member of the crew of Rear Admiral Goodrich's flagship Chicago, now lying at Long Branch, has been brought to Los Angeles under arrest for attempting to assault Admiral Goodrich. Starr was one of the crew of a boat in which Admiral Goodrich was being rowed ashore from the Chicago. The admiral reprimanded Starr for shirking in the use of his oars. and the sailor, becoming enraged, attempted to assault the commanding officer of the Pacific squadron. He was overpowered quickly by the other members of the crew and arrested. Later, Starr was brought to Los Angeles and placed in jail. It is said his mind is unbalanced as a result of the explosion on the battleship Missouri at Pensacola several months ago. He will be tried to determine his sanity.

## MURDERS AT LODZ.

#### One Victim a British Subject-Two Workmen Killed.

LODZ, April 10.-James Ratcliffe, a Brit ish subject and manager of Poznauski's cotton mill, was stabbed today while returning from a mass celebration to commemorate the end of the strike. His assaflant escaped.

Two workmen were found stabbed to death yesterday. It is supposed they were non-strikers, and that they were murdered

#### German Steamer on Fire. KOBE, Japan, April 10.-The German

steamer Germanicus, from Samarang, Java. for Moji, Japan, and San Francisco, has arrived here on fire. Board of Medical Examiners.

A board of medical officers consisting of First Lieuts. William N. Bispham and John



The Stork: "At Last the West Has the White House-For a Little While."

### FRICK'S ALLEGED INTENTION.

Reported That Pittsburg Millionaire Wants to Enter Politics.

Politicians will be interested in the report from Pittsburg that Mr. Henry C. Frick intends to enter national politics "not later than 1908." The mention of that date | today to take his leave. With Mrs. Rockwould lead to the inference that Mr. Frick | hill and his daughter he will depart from aspires to the chairmanship of the republican national committee, perhaps. The Pittsburg dispatch to the New York Sun conveying the report adds that Mr. Frick was offered the portfolio of the treasury in President Roosevelt's cabinet after the recent election, but declined it.

It is the general understanding among politicians that Postmaster General Cortelyou is slated for the treasury when Secre week on behalf of the Cincinnati prisoners | ment in a "trust-busting" administration was that the extradition paper, having been | would probably cause some comment, it is signed in blank by Gov. Herrick and then said, for Mr. Frick is regarded as the personification of the trust.

He is held in high esteem by President Roosevelt, however, their intimacy being based upon personal regard as well as respect for the undoubted business abilities of Mr. Frick. In the recent election Mr. Frick raised a great deal of campaign money in Pennsylvania, and was of material assistance to the national committee at a time when some men who had been liberal contributors to former campaigns were holding back.

Mr. Frick's affiliations with high financiers would procure him potential indorsements if he desired to enter the treasury. It is customary to consult the financial interests in the appointment of a Secretary of the Treasury, although the word of Wall street is not always heeded, as witness the case of Secretary Shaw's selection. There is no question that Mr. Frick would acceptable to one at least of the great financial factions of the country. These speculations, however, conflict with the understanding as to Mr. Cortelyou's advancement, and raise the question whether

Mr. Frick may not have aspirations in other oranches of politics than federal office holding. It is hinted that perhaps he got a taste of real politics while "passing the hat" in the last campaign, and would like to try his hand at managing a great cam-paign. It is declared to be a little bit previous for him to be selecting the berth of national chairman, however, if he is doing so, as that position will be filled at the dictation of the candidate for President.

#### SAILED FOR SANTO DOMINGO. Departure of Prof. Hollander on His Mission of Investigation.

The cruiser Chattanooga yesterday took on board at San Juna, P. R., Prof. J. H. Hollander and departed for Santo Domingo, where the professor is to make an investigation of the financial conditions and of the various claims against the government which are to be settled in conformity with the terms of the pending treaty, if that convention is ratified.

The Newark, which has been on duty in Dominican waters for some time past, sailed from Monte Cristi yesterday for Pensacola to engage in target practice and then come north for repairs. The Marcelus has sailed from San Juan for Monte Cristi with coal for the vessels there. The Culgoa left New York yesterday bound for Santo Domingo, carrying supplies for Admiral Sigsbee's fleet.

#### MR. WASHINGTON QUALIFIES. Will Succeed Mr. Bigham as Consul

General at Cape Town.

Mr. Horace Lee Washington today called at the State Department and qualified as consul general at Cape Town. Mr. Washington is a native and resident of the District. He was confidential clerk to Assistant Secretary Grinnell in 1892 and was appointed vice consul at Cairo in 1894. From Cairo he was transferred to Alexandretta and from that post to Valencia as consul. In 1900 he became consul at

Geneva, Switzerland, which post he relin-

quishes in favor of Cape Town, succeeding at that place William R. Bigham of Kansas,

who is about to engage in commercial busi-

## NEW RECORD FOR RECEIPTS. Unusually Heavy Revenue in Patent

Office Last Week. The receipts of the patent office for the week ending Saturday were \$45,499.55. This is the largest amount ever received in the patent office for such a period. The last week of December, 1897, is the only one that even approaches the week just past. The amount received then was \$40,256.60over \$5,000 less than last week.

This increase in the office receipts is largely accounted for by the new trade-mark law, which resulted in the filing of 1,260 applications for registration of trade-marks And the part of Java, Island o

#### MR. CONGER'S SUCCESSOR.

New Minister to China Will Leave Tomorrow for His Post.

Mr. W. W. Rockhill, newly appointed minister to China, called upon Secretary Taft and the officials of the State Department Washington tomorrow for San Francisco, whence he will sail on the 18th on the Manchuria for Yokohama, where he will transship for Shanghai and thence proceed to Peking, where he will arrive between the 20th and 25th of May, by which time the new United States legation will probably be ready for occupancy.

### WILL SAIL WEDNESDAY.

Three Americans Who Will Collect the Domincan Customs

Messrs. A. G. Colton, J. H. Edwards and Warren Smith, the three American collectors of Dominican customs, will sail from New York Wednesday for Santo Domingo, where they will at once assume their du-When Colonel Colton arrives at Santo Domingo he will confer with President Morales and determine bow much of-ficial help he needs for the work of cus-

## QUESADA SAYS FAREWELL.

Will ail for Europe Soon, to Be Gone Until September.

Minister Quesada of Cuba called on Secretary Taft today to make further representations regarding the war materials in Cuba claimed by Spain under the evacuation agreement. Minister Quesada presented a memorandum from his government setting forth the contentions of Cuba, and requesting that the dispute be referred to ar-

Minister Quesada also bade good-bye to the Secretary, as this will be his last visit for several months. He and Mrs. Quesada will sail for Europe this week, and will be abroad until September.

## GIVES UP THE TRIP.

Senator Bacon Will Not Accompany Secretary Taft to Manila.

Senator Bacon of Georgia, who was taken seriously ill while making a speech in the executive session of the Senate, came to Washington today from Atlantic City to consult his physician. The doctor said he must again return to the seashore and remain for at least two weeks. He has recommended that the senator then take a long sea voyage, and spend several months away from all business and political cares. Senator Bacon suffered from congestion of the War Department today to see Secretary Taft and inform him that he could not ac-company the Secretary to the Philippines, as he had intended to do.

Naval Movements. The Topeka left Key West yesterday for Hampton Roads.

The Cincinnati has arrived at Chemulpo, El Cano at Shiakwan, the West Virginia at Culebra, the Paul Jones at San Diego and the Chicago, Bennington and Saturn at Long Beach, Southern California. The new battleship Ohio has arrived at Honolulu on her way to join the Asiatic

#### Duty With Civil Service Commission. In response to an inquiry from the Secretary of War, Attorney General Moody has rendered an opinion that clerks cannot be detailed from the different departments for duty with the civil service commission except for the purpose of serving on boards

Appointed Consul at Paerto Plata. Mr. Herbert S. Wright, a colored lawyer of Des Moines, Iowa, has been appointed United States consul at Puerto Plata, Santo Domingo.

#### Secretary Morton in New York. Secretary Morton has gone to New York for a few days on private business. He has practically recovered from the ear trouble which prevented his accompanying President Roosevelt in pursuit of bears, coyotes and jack rabbits.

Engineer Officers Coming Home. The following named officers of the Cor of Engineers have been relieved from daily in the Philippine Islands and ordered to in the Philippine Islands and ordered to proceed with Companies L and M, 8d Hattalion of Engineers, to San Francisco on the transport leaving Manila August 15: Capts. Frank C. Boggs and Clark S. Smith and First Lleuts. Thomas H. Jackson, William L. Guthrie, Robert R. Raiston, Laurence V. Frazier and James F. Bell. On

## PLATT-BLACK ALLIANCE.

Reported Combination Has Been Made for State Control.

NEW YORK, April 10.-The New York Sun, which for years has been friendly to Senator Thomas C. Platt, and has supported him in his efforts to lead the republican party in this state, says today that an offensive and defensive alliance has been entered into between the senator and former Gov. Frank S. Black. The Sun says: "Senator Platt and ex-Gov. Frank S Black have had a long and 'very satisfactory' talk at the Fifth Avenue Hotel. The meeting between them took place on Wednesday evening. Every effort has been made to keep secret the fact that they met and talked over the republican situation in the state of New York. The news came out yesterday, and William Barnes, jr., chairman of the executive committee of the republican state committee; Col. George W. Dunn, ex-chairman of the state committee; William I. Ward, republican national committeeman for the state, and Representative John Dwight of Dryden are aware that Mr. Platt and Mr. Black have come to a satisfactory understanding."

The Sun further says that Mr. Platt and Mr. Black agreed to enter into an alliance and to invite other leaders throughou the state to join with them with the object of contesting the control of the party at the next state convention The machinery of the party in this state

is generally conceded to be in control of former Gov. B. B. Odell, jr., who is chair man of the state committee. Mr. Odell at present is in Europe.

### TO PROBE DEATH MYSTERY. Victim Had Been Unable to Reunite

Divorced Parents. CHICAGO, April 10.-Coroner Hoffman today will investigate the mysterious death of Gertrude Jacobs, a pretty girl, whose heart had been broken because she had been unable to reunite her divorced father and mother. Her lifeless body was lying face downward in her room in Jackson boulevard. In one hand was grasped a several passages on "love" had been mark ed. There was nothing to indicate the

cause of death. For fifteen years the girl had sought to bring about a reconcillation between her father, a wealthy merchant of Mansfield, Ohio, and her mother, who were divorced when she was twelve years old. All her efforts to reunite the litle family had been in vain, and the trouble had prayed upon her mind until she had become melancholy

## SEQUEL TO DISASTER.

Grover & Co. of Brockton Assigned for Benefit of Creditors.

BROCKTON, Mass., April 10.-The shoe firm of R. B. Grove & Co. of this city, at whose factory the disastrous boiler explosion of March 20 occurred, costing fiftyeight lives and \$250,000 property loss, has voluntarily assigned for the benefit of creditors. The assignees are Cras. P. Hall of the American Hide and Leather Company Boston; Judge Warren A. Reed and Fred B. Howard, vice president of the Home National Bank of this city. Jpdge Reed, speaking for the assignees, said: "It is impossible to give any adequate idea of the assets and liabilities. The as-sets consist mainly of the Emerson shoe stores scattered throughout the country The assignment is made to enable the firm to carry on the business during the cur-rent season. The action has nothing to do with the legal responsibility of the firm for claims growing out of the disaster.' It is explained that the action in filing assignment papers exempts the twenty-two stores of the company from attachment in case suits should be brought.

A meeting of the assignees will be held here tomorrow to consider the question of continuing the business. It is understood the creditors are agreeable to an arrange ment for the assignees to continue the busi ness and to an ultimate reorganization, R. B. Grover is president of the corporation, J. F. Hill vice president, and C. O. Emerson

## GARFIELD AT TOPEKA

treasurer.

To Begin Investigation of Standard Oil Methods in Kansas.

TOPEKA, Kan., April 10.-Commissioner of Corporations Garfield has arrived to begin his investigation of Standard Oil methods in Kansas. He is accompanied by L. P. Caswell, Charles Earl and Luther Conant, ir., employes of his bureau.

"I have no news to give out about the proposed investigation," said Mr. Garfield. "I must first get my bearings. I want to learn something of the situation in Kanhave a conference with Governor Hoch.

There is no telling how long it will take to make the investigation."

# DISGRACED ARRANGING

TWO CENTS.

Number of Russians Pilloried U. S. Government Engaged for Cowardice

# AT BATTLE OF MUKDEN | KEEN CORRESPONDENCE

GEN. LINEVITCH'S SUMMARY METHOD OF TREATMENT.

Some Are Drummed Ignominiously Out of Camp-Chinese Bandits Operating-Bad Roads.

GUNSHU PASS, April 10.-General Line-

vitch has pilloried a number of officers who displayed cowardice during the battle of Mukden publicly, disgracing them by post ing their names at all the division headquarters while some of them were ignominlously drummed out of camp Date of Japanese Entry Deferred.

HARBIN, April 10.-Information received at the Russian headquarters seems to definitely establish the fact that only Chinese bandits under the lead of Japanese officers,

together with some Japanese cavalry, are operating westward toward Tsitsihar, their object evidently being to raid the railroad communications. There is, however, a real turning move-ment eastward of Kirin, said to be under the command of General Oku. The roads have grown desperately bad. On the flat ground there are seas of mud. Japanese proclamations have been issued,

giving the state of the roads as an excuse for the date of their entry into Harbin

#### having been changed from April 10 to Reected Steamer's Appeal.

NAGASAKI, Japan, April 10.-The Sasebo prize court has rejected the appeal of the captured British steamers Roseley and Lethington, and both vessels and their cargoes have been confiscated.

## No Change at the Front.

ST. PETERSBURG, April 10.-A dispatch from Chief of Staff Karkevitch to the general staff, dated today, from the front says there has been no change in the situation of the two armies.

Views of Naval Officers Here. Naval officers who have followed the

ourse of Vice Admiral Rogestvensky's fleet do not look for an engagement with Admiral Togo's fleet until the Russian ships reach Japanese waters. In their belief Admiral Togo is too wise a strategist to accept battle until the Russians are near his base, where, in case the language where where, in case the Japanese ships suffer severe damage they will be within easy range of their docks. They believe one reason for Admiral Rojestvensky's visit to Saigon is to get in touch with his tor-pedo boats, most of which, it is believed, have hugged the coast in their cruise out and will probably join the flag at the

French port. It is believed the Japanese will endeaver to confine the fighting to a long-range bat-tle until several of the Russian battle ships are put out of commission and the fleets are nearer equal.

## AMERICAN BLUFF FAILED.

Artist Chartran Tells How He Refused to Be Worked. PARIS, April 10.-Theobald Chartran, the

famous portrait painter, describing his recent-visit to the United States, says a prominent American ordered a portrait of his wife to cost \$5,000 and when it was completed the American praised the artistic beauty of the work, but asserted that it was not a correct portrait of his wife.

Chartran says he suspected a plan to secure a reduction in the price, whereupon he took a palette knife, gave the portrait two slits completely destroying it, remarked: "That is the way I settle small differences.'

## SENATOR PLATT'S CONDITION. pencil and in the other a Bible, in which Showed a Little Change for the Better

Today. WASHINGTON, Conn., April 10 .- The condition of Senator Orville H. Platt, who is suffering from pneumonia, showed a little change for the better today. His physician, Dr. W. J. Ford, gave out the following statement:

"Senator Platt passed a very satisfactory night, and I think I am justified in saying there is a slight improvement this morn-

While the physician declined to go into details, it is understood that the sick man's mental condition is somewhat improved, and that he seems a little brighter than on yesterday. There is also said to be some abatement of the fever. No concealment, however, is made of the fact that the condition of Senator Platt is still

#### AUDIENCE AT THE VATICAN. Pope Received Noted American Churchman-Bestowed Benediction.

ROME. April 10. - The pope today re ceived in private audience the Very Rev. John A. Zahm of Notre Dame, Ind., provincial of the Congregation of the Holy Cross in the United States, who presented an offering of \$1,000 from the University of Notre Dame.

The pontiff thanked him most warmly and engaged in a long conversation with Father tional projects and in the United States ed some photographs of the University of Notre Dame, and wrote at the to the professors and students. The pop approved of Father Zahm's work in assisting the members of religious orders expelled Father Zahm will go to Paris Tuesday to look after the interests of the Holy

#### Cross community and make provision for several hundred expelled persons. SEQUEL TO TOWNSITE TROUBLE.

Mayor of Spooner, Minn., Killed-Narrow Escape of Family. BEAUDETTE, Minn., April 10. - Sheriff

Bailey of Beltrami county is on the way to Reaudette to inquire into the killing of Mayor Matthew Gannon by a crowd of citizens of Spooner, Minn., Friday night. Much excitement has been aroused by the killing of Gannon, who also was president of the village board of Spooner. Gannon's wife and child narrowly escaped death at

the hands of the mob from Spooner. The trouble was due to a year's fight over the town site of Spooner.

Gannon filed on the town site of Spooner as a homestead, and the Spooner Town Site Company tried to enter the same site under the town site law, the case now being in the courts.

daily and Sunday unless orders are given to the contrary.

Notice to Subscribers.

The Sunday Star will be in

in So Doing.

BETWEEN CONTROLLER AND IN-TERIOR DEPARTMENT.

The Former Questions Authority for Action and Suggests Reference to Attorney General.

The interesting fact has developed that the United States government has been engaged in arranging rebates of freight rates with the Southern Pacific road and other western roads that it might save some money in contracts on its irrigation and reclamation projects in the west.

R. J. Tracewell, the controller of the treasury, is after Secretary Hitchcock and the director of the geological survey for accepting rebates from railroads on the freight of contractors engaged in doing work under the irrigation and reclamation fund. He practically says that in his opinion they are violating both the letter and spirit of the interstate commerce act, making it a misdemeanor and violation of federal law to accept rebates. In a communication on March 20 the Secretary of the Interior brought to the attention of the controller certain facts in connection with the rebates. Secretary Hitchcock submitted a communication from the acting director of the geological survey, in which that official stated the

case as follows:
"On October 13, 1904, the department approved a contract with the Southern Pacific company providing for certain concessions to contractors under the rec-lamation act in the freight rates upon their plant and materials shipped to and from the work on the projects. Other contracts of similar character have since been negotiated with the principal roads These concessions in rates are brought to the attention of all bidders on the of the reclamation service, in order that they may make due alowance for such concessions in their bids. Paragraph II of the general conditions attached to the specifications inviting bids calls attention to these concessions and notifies bidders that they are expected to make allowance

for these concessions.

"The attention of this office has been called to a request of Sherer & Co., contractors on the Salt river project, who desire to be advised whether they can ob-tain the benefit of concessions on some

"These contractors made their bids before any concessions had been arranged with the Southern Pacific company, so that their bids do not provide for any benefit to the United States, and, accordingly, this office has decided that the contractor is not entitled to such benefits, and the engineer has been instructed not to certify the company's bills of lading in the matter required for it to obtain such benefit.

The communication goes on to state that the railroad company, however, is willing to make the concessions to help along the work on the project as much as possible whether the benefits of the concession of rates on these shipments may be taken by the government and credited to the project. The controller is asked the best

#### of dealing with a question of this kind. Says There is No Authority for It.

Controller Tracewell tells how the matter could be arranged so as to comply with the auditing rules of the treasury, but, after doing this, he frankly lets loose a broadside that has not been accepted by the Interior Department in the manner in which it was intended. The controller

"If, however, I may be permitted to express an opinion as to the legality of such transactions when considered in relation to sections 2 and 22 of the interstate commerce acts of February 4, 1887, and 1889, I would say that it is extremely doubtful if either can be maintained. By what authority can the government contract with a railroad that a contractor's plant shall receive a rebate in freights not applicable to other shippers is beyond my compre-hension. If this right exists it might as well extend to flour, hay and other com-modities, and the vehicles used by a contractor in making delivery to the govern-ment. But, granting such right exists, when covered by contract, and such rebate taken into consideration when the contract is made, by what stretch of authority can the government step in where the contract between it and the contractor has been entered into and the amount to be paid for the work or for the work and the materials, fixed and liquidated, and receive or take from a railroad rebate from the regular and fixed price of carriage, on the carriage of the contractor's plant, one-half thereof,

is beyond my comprehension. "The government, above all others, should not be a party to a violation of either the letter or spirit of the interstate commerce act as regards the question of rebates. It should not engage in questionable transactions in order that a saving of a few dollars may be had, especially when this saying results in the tearing down of a law which experience proves very difficult, if not absolutely impossible, to enforce."

## Came Back at the Controller.

This letter of the controller did not suit the Interior Department, and the officials made answer, arguing as to the correctness of their view, and pointing to a decision of Assistant Attorney General Campbell of the department, upholding the view. The controller today makes answer to this as follows:

"I am in receipt of your communication of the 7th instant, inclosing duplicate of letter addressed to you by the director of the geological survey, under date of April 4, relative to the legality of certain proposed contracts with certain railroads providing that the government receive certain rebates on the plants and materials used by contractors in constructing certain ir-rigation works under the reclamation serv-You forward this matter to me for

further consideration. "On the 3d instant I rendered a decision directed to you on the method of accomplishing refunds to the reclamation fund, established under act of June 17, 1902. In that decision I expressly declined to render any decision as to the legality of the proed rebates for the reason therein recited, but did, as a matter of precaution therein express my individual doubts as to the legality of a contract with a railroad to secure a rebate on the freight of a contractor as therein proposed. I enclose

copy of said decision.
"I have read with care the letter transmitted from the director of the geological survey, and agree that it is convincing from the point that if it is legal for the government to secure the rebate in ques-tion it will amount to a million dollars in tion it will amount to a million dollars in the next seven years. The Standard Oil Company could make an equally convincing argument as to its alleged reception of re-bates. The amount of these rebates being large is a cogent reason why the govern-ment should make no mistake by being a party or a beneficiary of the violation of the law prohibiting the giving of discrimi-nating rebates.

#### been dispatched to patrol the west coast of Palawan island to enforce neuartlity. Three other destroyers are preparing to sail. Ships of Dutch Squadron. WELTEVREDEN, Island of Java, April 10.-It is reported that the supposed Russian warships sighted off Muntok are really